

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED  
SEP 19 2018  
Clerk, U.S. Courts  
District Of Montana  
Missoula Division

ANTHONY SCOTT,  
Plaintiff,  
vs.  
BILLINGS POLICE DEPARTMENT,  
STEVE HALLAM, SETH FROSTER,  
DAVID FIREBAUGH, and  
KENNETH TUSS,  
Defendants.

CV 18-89-BLG-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Order and Findings and Recommendations on July 11, 2018, recommending that Defendant Billings Police Department be dismissed without prejudice and Plaintiff Anthony Scott's ("Scott") claims of false arrest, defamation of character, job loss, home invasion, property damages, and false imprisonment be dismissed without prejudice as being barred by the abstention doctrine articulated in *Younger v. Harris*, 401 U.S. 37 (1971). (Doc. 7 at 13.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114,

1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

After reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch’s Order and Findings and Recommendations (Doc. 7) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Billings Police Department is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff’s claims of false arrest, defamation of character, job loss, home invasion, property damages, and false imprisonment are DISMISSED WITHOUT PREJUDICE.

DATED this 19<sup>th</sup> day of September, 2018.



Dana L. Christensen  
Dana L. Christensen, Chief Judge  
United States District Court